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**SUBJECT** Reply to Non-compliant Brief (10/015,223)

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**Number of Pages** 4

**Date** 12/21/2005

## **MESSAGE**

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This fax communication contains:

1. one copy of a Fax Transmittal Form; and
2. one copy of the Reply to the Non-compliant Brief.

Volel

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PTO/SB/21 (02-04)

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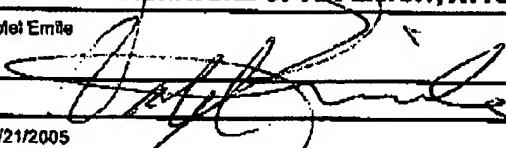
Total Number of Pages in This Submission

Application Number	10/015,223
Filing Date	12/17/2001
First Named Inventor	McBreeny et al.
Art Unit	2188
Examiner Name	Piarrre M. Volei
Attorney Docket Number	AU6920010662UJ31

## ENCLOSURES (Check all that apply)

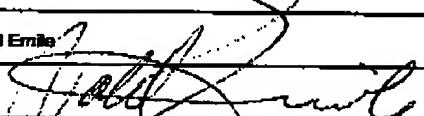
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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Remarks		
Reply to Non-compliant Appeal Brief.		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Volei Emile
Signature	
Date	12/21/2005

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This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Appl. No. 10/015,223

Reply to non-compliant Appeal Brief dated 12/21/2005  
Reply to Office Action of 12/08/2005

DEC 21 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: :  
Gerald Francis McBrearty :  
Serial No: 10/015,223 : Before the Examiner:  
: Pierre M. Vital  
Filed: 12/17/2001 : Group Art Unit: 2188  
: :  
Title: APPARATUS AND METHOD : Confirmation No.: 6252  
OF CREATING A MIRRORING MAP :  
FOR USE WITH DIFFERENT PIECES :  
OF DATA : :

APPELLANTS' REPLY TO NOTIFICATION OF NON-COMPLIANT APPEAL  
BRIEF UNDER 37 C.F.R. 41.37

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a reply to a Non-compliant Appeal Brief Notification dated December 08, 2005. In the Notification, the Examiner stated that:

[a]n example of a format and content for an appeal brief for a patent application is a brief containing the following items, with each item starting on a separate page:

- (A) Identification page setting forth the applicant's name(s), the application number, the filing date of the application, the title of the invention, the name of the examiner, the art unit of the examiner and the title of the paper (i.e., Appeal Brief);
- (B) Table of Contents page(s);
- (C) Real party in interest page(s);

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Appl No. 10/015,223

Reply to non-compliant Appeal Brief dated 12/21/2005

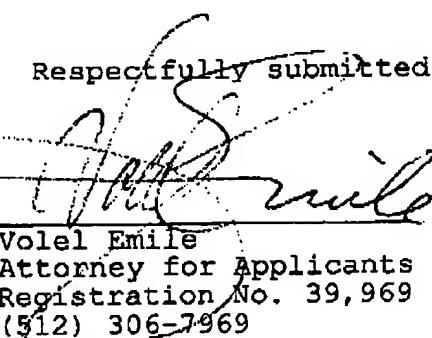
Reply to Office Action of 12/08/2005

- (D) Related appeals and interferences page(s);
- (E) Status of claims page(s);
- (F) Status of amendments page(s);
- (G) Summary of the claimed subject matter page(s);
- (H) Grounds of rejection to be reviewed on appeal page(s);
- (I) Argument page(s);
- (J) Claims appendix page(s);
- (K) Evidence appendix page(s);
- (L) Related proceedings appendix pages (see MPEP 1205). (Emphasis added.)

However, neither MPEP 1205 nor 37 C.F.R. 41.37 requires that each item be on a separate page as stated by the Examiner. Further, neither MPEP 1205 nor 37 C.F.R. 41.37 even suggests that there be a Table of Contents in an Appeal Brief. (MPEP 1205 and 37 C.F.R. 41.37 were consulted on-line through the USPTO Web site.)

Thus, since Appellants' Brief filed on October 26, 2005 contains the relevant items under appropriate headings and in the order indicated in paragraphs (c)(1)(i) through (c)(1)(x) of 37 C.F.R. 41.37 (see also MPEP 1205). Applicants submit that the Appeal Brief is compliant under 37 CFR 41.37.

Respectfully submitted,

By:   
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